

REMARKS

In response to the above-identified Office Action, Applicant seeks reconsideration in view of the following remarks and the amendments reflected in the claim listing above. No new matter has been added.

I. Claim Rejections – 35 U.S.C. §103

Claims 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,519,068 (“Krebs”) in view of U.S. Pat. No. 5,610,973 (“Comer”). Claims 2, 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Krebs and Comer in view of U.S. Pat. No. 5,926,463 (“Ahearn”). These rejections are respectfully traversed. None of the cited references, taken alone or in combination, include each and every element of the pending claims.

Krebs generally relates to a controller for sending messages to portable radios, and is primarily directed at a way of sending variable length messages to a large number of radios (see, e.g., Objects and Summary section). As the Examiner suggests, Krebs deals with systems that communicate through what is commonly known as “broadcasting.”

Since Krebs presupposes a broadcasting context, it is not surprising that Krebs does not disclose, among other things, a wireless data communication system wherein “the mobile units monitor polling signals from the access points and associate therewith” as recited in claim 1, or a method including the “monitoring” and “associating” steps of claim 8 as currently pending. That is, as would be expected within a broadcasting paradigm such as Krebs, the portable radios 134 (see Fig. 1) in no way associate with corresponding transmitters or receivers. Rather, signals are sent to the radios based on a “reasonably accurate determination of the location of each portable radio” (col. 8, lines 43-46). There is no disclosure related to association, let alone association performed in accordance with a wireless data communication protocol as variously claimed. Neither Comer nor Ahearn cure these defects of Krebs as a reference.

The Examiner notes correctly that Krebs does not disclose a “wireless communication standard protocol” as recited in the claims, but argues that Comer discloses this element at column 9, lines 29-31, which includes a discussion of ANSI IS-41. As is known in the art, IS-41 is an interim

standard for identifying and authenticating users on a mobile phone network while providing call routing, etc. Even assuming, arguendo, that IS-41 is a “wireless communication standard protocol,” there is no suggestion in either Krebs or Comer that the data hub provide “the functionality of the wireless communications standard protocol that selectively sends data communications to access points connected to said hub.” Krebs discloses no such standard, and Comer, to the extent that it mentions a standard, clearly fails to suggest that any functionality of the standard “that selectively sends data” should be incorporated into a data switching hub. Indeed, there is no disclosure in Comer that the IS-41 disclosure even includes functionality that selectively sends data communication to access points via a hub.

As mentioned previously, at the time of this invention wireless communication standards such as the 802.11 series of standards exclusively used access points with a specified set of functionality, including the functionality pertaining to selectively sending transmissions to the appropriate mobile unit. In accordance with the present invention, the inventor realized that, due to the increasing need for applications that must support a high volume of data communications from a large number of users simultaneously, the number of access points in a given wireless network (e.g., a network conforming to a standard that traditionally included such functionality in an access point) would increase significantly, leading to undesirable cost and complexity (see, e.g., Background, Par. [0001]-[0005]). Applicant notes that this is evidenced by the fact that, to his knowledge, at the time of the invention nobody offered for sale an 802.11 access point that did *not* include the ability to forward communications to mobile units “independently of destination address data in said communications that identify a mobile unit” as recited in claims 1 and 8. One of ordinary skill in the art with the level of knowledge available at the time the invention was made would not have appreciated the benefits of moving a subset of the traditional access point functionality specified in a standard (e.g., the IEEE 802.11 specification) to a switching hub. The inventor was clearly proceeding contrary to accepted wisdom. MPEP 2145(X)(D)(3).

Accordingly, Applicants respectfully submit that neither Krebs, Comer, nor Ahearn, taken alone or in combination with any other art or record, would not include each and every element of the independent claims as currently amended, and furthermore that there is no motivation to combine this reference with the prior art. As the remaining claims variously depend from the independent

claims, these claims are also non-obvious for at least the reasons set forth above. Applicants therefore request that the Section 103 rejections be withdrawn.

II. Conclusion

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or dpote@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
Ingrassia, Fisher & Lorenz

Date 9/30/2008

By /DANIEL R. POTE/
Daniel R. Pote
Reg. No. 43,011
(480) 385-5060